

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TRAMALE LOCKETT,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 3:24-cv-191
)	Judge Stephanie L. Haines
JOHN DOE(S),)	Magistrate Judge Maureen P. Kelly
)	
Defendant(s).)	
)	

MEMORANDUM ORDER

On August 7, 2024, the Clerk docketed Plaintiff Tramale Lockett’s (“Mr. Lockett”) Motion for Leave to Proceed in Forma Pauperis. (ECF No. 1). Mr. Lockett also submitted an “Application for Leave to Present Late Claim[,]” in which he: (1) asserted that he has claims against defendants for Negligence and violations of his constitutional rights and (2) requested that he be permitted to advance those claims at a later time. (ECF No. 1-2). This matter was referred to Magistrate Judge Maureen P. Kelly (“Magistrate Judge Kelly”) for proceedings in accordance with the Federal Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.D.

On September 17, 2024, Magistrate Judge Kelly entered a Deficiency Order, informing Mr. Lockett of several deficiencies in his Motion for Leave to Proceed in Forma Pauperis and notifying him that if he failed to cure the deficiencies articulated in her Order by October 17, 2024, his case would be dismissed for failure to prosecute. (ECF No. 3). Mr. Lockett failed to comply with that deadline.

On January 17, 2025, Magistrate Judge Kelly issued an Order to Show Cause, directing Mr. Lockett to show cause why his case should not be dismissed for his failure to comply with the Deficiency Order. (ECF No. 4). Magistrate Judge Kelly ordered Mr. Lockett to respond “on or

before February 18, 2025[.]” and informed him that his failure “to respond to this Order [would] result in the dismissal of this case for failure to prosecute.” (*Id.*). Mr. Lockett again failed to comply with the deadline that Magistrate Judge Kelly imposed.

On March 3, 2025, Magistrate Judge Kelly filed a Report and Recommendation recommending that this case be dismissed for failure to prosecute upon her weighing of the factors set forth in *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863 (3d Cir. 1984). (ECF No. 5). Magistrate Judge Kelly also noted that unregistered ECF Users had seventeen days to file objections to her Report and Recommendation, and that the failure to timely file objections would waive the right to appeal. (*Id.* at 5) (citing *Brightwell v. Lehman*, 637 F.3d 187, 193 n.7 (3d Cir. 2011)). As the docket reflects, the Clerk mailed Magistrate Judge Kelly’s Report and Recommendation to Mr. Lockett at his address of record, but the Report and Recommendation was returned to the Court as “refused.” Relatedly, Mr. Lockett has not filed Objections to the Report and Recommendation as of the date of this Memorandum Order.

Upon review of the record and the Report and Recommendation (ECF No. 5) under the applicable “reasoned consideration” standard, *see EEOC v. City of Long Branch*, 866 F.3d 93, 99–100 (3d Cir. 2017) (standard of review when no timely objections are filed), and pursuant to Local Civil Rule 72.D.2, the Court will accept in whole the recommendations of Magistrate Judge Kelly in this matter. Magistrate Judge Kelly afforded Mr. Lockett multiple opportunities to comply with her orders and show cause why this case should not be dismissed, and she correctly determined that a majority of the *Poulis* factors weigh strongly in favor of dismissing this case at this time.¹ *See Qadr v. Overmeyer*, 642 F. App’x 100 (3d Cir. 2016).

¹ As Magistrate Judge Kelly recognized, the Court “cannot evaluate the potential merits of [Mr. Lockett’s] claims because he has failed to respond or lodge a Complaint or a petition for habeas relief.” (ECF No. 5 at 4). But even if this factor weighed against dismissal, a strong majority of the other facts still weigh in favor of dismissal.


Accordingly, the following Order is entered:

ORDER

AND NOW, this 21st day of April, 2025, IT IS ORDERED that Plaintiff Tramale Lockett's Motion for Leave to Proceed in Forma Pauperis, (ECF No. 1), his "Application for Leave to Present Late Claim[.]" (ECF No. 1-2), and this case as a whole are DISMISSED for failure to prosecute; and,

IT IS FURTHER ORDERED that Magistrate Judge Maureen P. Kelly's Report and Recommendation (ECF No. 5) is adopted as the Opinion of the Court as supplemented herein; and,

IT IS FURTHER ORDERED that the Clerk of Court is directed to terminate pending filings and to mark this matter closed.


Stephanie L. Haines
United States District Judge

Notice by U.S. Mail to:

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Quehanna Boot Camp
4395 Quehanna Highway
Karthaus, PA 16845

Tramale Lockett
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Renewal #2
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